

## **REMARKS**

### **Claim Status**

Claims 1 and 13 have been amended to recite that the first reagent comprising a saponin compound, an acid and an additional surfactant that is not a saponin is autoclaved at about 121°C. Similarly, claim 20 has been amended to recite that in step (a), red blood cells are substantially lysed by adding a saponin compound, an acid and an additional surfactant that is not a saponin, wherein the saponin compound, acid and additional surfactant are autoclaved together at about 121°C. Support for these amendments is found at page 4, lines 3-5 and in Example 5 of the instant specification.

Claims 2, 5, 14 and 16 have been cancelled, as the subject matters thereof have been incorporated into claim 1 or 13.

Claims 3 and 17 have been amended to correct the dependencies as a result of the cancellation of claim 2 and 16, respectively.

Applicants respectfully submit that the above amendments do not introduce any new material into the application. With these amendments, claims 1, 3, 4, 13, 15, 17, 18, 20 and 21 are currently pending.

### **Claim Rejection – 35 USC §112, First Paragraph (Enablement)**

Claims 1-5, 13-18, 20 and 21 remain rejected under 35 USC §112, first paragraph, as allegedly failing to comply with the enablement requirement. Applicants respectfully traverse this rejection.

As discussed above under the section titled “Claim Status”, independent claims 1 and 13 have been amended to refer to a reagent system for substantially lysing red blood cells and stabilizing white blood cells as well methods of use thereof, which system comprises a first

reagent, autoclaved at about 121°C, of a saponin, an acid and an additional surfactant this not a saponin. Similarly, independent claim 20 has been amended to recite that red blood cells are substantially lysed by adding a saponin compound, an acid and an additional surfactant that is not a saponin, wherein the saponin compound, acid and additional surfactant are autoclaved together at about 121°C.

As acknowledged by the Examiner, the instant specification enables for a red blood cell lyse system/method as presently claimed. As such, the enablement rejection of claims 1-5, 13-18, 20 and 21 is respectfully requested to be withdrawn.

**Claim Rejection – 35 USC §112, First Paragraph (Written Description)**

Claims 5 and 14 remain rejected under 35 USC §112, first paragraph, as allegedly failing to comply with the written description requirement. In response, Applicants submit that claims 5 and 14 have been cancelled. As such, this rejection is moot.

**Claim Rejection – 35 USC §112, Second Paragraph**

Claims 5 and 14 remain rejected under 35 USC §112, second paragraph, as allegedly being indefinite. In response, Applicants submit that claims 5 and 14 have been cancelled. As such, this rejection is moot.

**Allowable Subject Matter**

The Examiner indicates, on page 5 of the Final Office Action, that a reagent system for lysing red blood cells comprising a first reagent having a saponin, an acid selected from the group consisting of phosphoric acid, a halogenated acid and a combination thereof, and an additional surfactant that is not a saponin, wherein said first reagent has been autoclaved

at about 121°C; and a second reagent comprising a quenching agent; and methods of use thereof are neither anticipated nor suggested by the prior art. As discussed above, Applicants have amended the claims to refer to the indicated allowable subject matter. As such, the case is now in the condition for allowance. Should any additional issues remain, the Examiner is encouraged to call the undersigned.

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This document is filed within two months of the mailing date of the Final Office Action. No fee is believed to be due. However, should any fees be required for any reason, the Commissioner is authorized to deduct said fees from Howrey Deposit Account No. 08-3038/12642.0066.NPUS01.

Respectfully submitted,



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